

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

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KATHERINE L. PARKER

Plaintiff,

v.

BIRD RIDES, INC. and XYZ  
CORPORATIONS NOS. 1-5,

Defendants.

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Case No. \_\_\_\_\_

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**NOTICE OF REMOVAL**

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1. Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Bird Rides, Inc. (“Bird”) hereby removes this action from the State Court of Gwinnett County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division.

**STATE COURT LAWSUIT**

2. This case involves a Georgia citizen and resident, Plaintiff Katherine L. Parker, who was allegedly injured when she was riding a scooter. On September 14, 2021, Plaintiff filed suit against Bird in the State Court of Gwinnett County, Georgia, claiming that her injuries were caused by Bird’s alleged negligence in

allegedly failing to equip the scooter with brakes and allegedly failing to properly inspect and maintain the brakes.

3. Bird now removes this case to this Court based on diversity jurisdiction.

### **GROUND FOR REMOVAL**

4. This action is removable pursuant to 28 U.S.C. § 1441. As set forth herein, this Court has original diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) because this action is between citizens of different states, and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

5. Minimal Diversity Requirement. As alleged in the State Complaint, attached hereto as **Exhibit 1**, this action is between citizens of different states. Upon information and belief, including the representation of Plaintiff's counsel and the site of the alleged incident, Plaintiff is an adult citizen and resident of Georgia. (*See* Exh. 1, State Compl.) Bird is a citizen of a foreign state. (*Id.*, ¶ 2.) Specifically, Bird is a Delaware corporation with its principal place of business located at 406 Broadway #369, Santa Monica, California 90401. (*Id.*) Consequently, complete diversity exists because Plaintiff is a citizen of Georgia, and Bird is a citizen of Delaware and California. Pursuant to 28 U.S.C. § 1446(a),

a true and correct copy of all process and pleadings served upon Bird Rides, Inc. as of the date hereof are attached hereto as Exhibit 1 and incorporated herein by reference as if fully set forth herein.

6. Amount in Controversy Requirement. The amount in controversy in this action exceeds the sum or value of \$75,000, exclusive of interest and costs. Plaintiff alleges that she was “disabled for a period from her usual employment and occupation” and the “injuries were serious and may be permanent in nature ... sustained pain, both in mind and body, and may continue to suffer pain, both now and in the future.” (Exh. 1, State Compl., ¶¶ 17, 19.)

### **PROCEDURAL REQUIREMENTS**

7. Timeliness of Removal. This Notice of Removal is timely because it is being filed within 30 days of Bird receiving, through service or otherwise, a copy of the State Complaint. 28 U.S.C. § 1446(b)(1). Bird was served through its registered agent, National Registered Agents, Inc., by process server on September 15, 2021.

8. Removal to Proper Court. This Court is the appropriate court to which this action must be removed because it is part of the district and division within which this action is pending, namely, Gwinnett County, Georgia. 28 U.S.C. §§ 1441(a), 1446(a).

9. Filing and Service. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be contemporaneously filed in the Gwinnett County State Court and served on all counsel of record. A true and correct copy of the Notice of Filing Notice of Removal is attached hereto as **Exhibit 2**.

10. Pleadings and Process. Bird has not been served with any process, pleadings, or orders in this action other than the Summons and State Complaint. *See* 28 U.S.C. § 1446(a).

11. Bird reserves all of its rights and defenses, including without limitation those rights and defenses under Fed. R. Civ. P. 12 and will timely respond to the Complaint in accordance with Fed. R. Civ. P. 81.

Submitted this 14th day of October,  
2021.

WEINBERG, WHEELER, HUDGINS,  
GUNN & DIAL, LLC

/s/ Johnathan T. Krawcheck

Johnathan T. Krawcheck, Esq.

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***Attorneys for Defendant Bird Rides,  
Inc.***

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1**

I hereby certify that the foregoing was prepared in Times New Roman 14 point font, double-spaced, with both a top margin of not less than 1.5 inches and a left margin of not less than 1 inch.

This 14<sup>th</sup> day of October, 2021.

/s/ Johnathan T. Krawcheck

Johnathan T. Krawcheck, Esq.

Georgia Bar No: 429320

**CERTIFICATE OF SERVICE**

I hereby certify that on October 14, 2021, I caused a copy of the foregoing Notice of Removal to be sent by e-mail and U.S. Mail to the following counsel of record:

Michael D. Goodman, Esq.  
Goodman & Goodman, LLP  
6445 Powers Ferry Rd., NW, Ste. 265  
Atlanta, GA 30339-2909

*Attorneys for Plaintiff Katherine L.  
Parker*

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